

COMMONWEALTH OF VIRGINIA
STATE CORPORATION COMMISSION
AT RICHMOND, AUGUST 17, 2021

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APPLICATION OF

VIRGINIA ELECTRIC AND POWER COMPANY

CASE NO. PUR-2021-00151

For approval of five voluntary tariffs to support
transportation electrification, pursuant to
§ 56-234 A of the Code of Virginia

ORDER FOR NOTICE AND COMMENT

On July 23, 2021, Virginia Electric and Power Company ("Dominion" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") for approval, pursuant to Code § 56-234 A and Rule 80 A of the Commission's Rules of Practice and Procedure ("Rules of Practice"),¹ of five new voluntary companion tariffs to support transportation electrification in Virginia. Specifically, the Company seeks approval of three tariffs to provide mechanisms for customers to work with the Company to install electric vehicle ("EV") charging infrastructure at customers' premises ("Charging Tariffs") and two tariffs to establish rates for the Company to charge the public for EV charging at Company-owned and operated public charging stations ("Pricing Tariffs").²

In support of its Application, Dominion states that EV adoption continues to increase across the country and in Virginia, largely due to advancements in battery technology, additional EV model availability, declining costs, policy developments, and benefits provided to customers and the environment.³ The Application states Dominion customers have sought guidance and

¹ 5 VAC 5-20-10 *et seq.*

² Application at 1.

³ *Id.* at 2.

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advisory support from the Company for charging infrastructure and installation, including requests for guidance on how customers can electrify their fleets.⁴ The Company asserts that the Charging Tariffs will allow the Company to provide customers with near-term turnkey solutions.⁵ Dominion further states that it does not currently own or operate any charging stations available to the public, but the Company intends to provide this service in the future to fill any identified gaps in charging availability, such as on secondary highways or in disadvantaged communities.⁶ The Company asserts the Pricing Tariffs will allow the Company to provide such service.⁷

The Application states that the three Charging Tariffs include one to support the Company's non-residential customers who wish to electrify their fleets ("Fleet Charging Tariff"); one to support the Company's non-residential customers who wish to provide Level 2 charging at their premises ("Level 2 Charging Tariff"), such as workplaces, multifamily communities, or retail establishments; and one to support the Company's residential customers who wish to have Level 2 charging installed in their homes ("Residential Charging Tariff").⁸ The Company proposes participation limits for each Charging Tariff to ensure that availability is limited and will complement investment being made by the private sector.⁹ Specifically, the Company proposes the following participation limits on the Charging Tariffs: 165 customers in the Fleet

⁴ *Id.* at 3.

⁵ *Id.*

⁶ *Id.*

⁷ *Id.*

⁸ *Id.* at 4.

⁹ *Id.*

Charging Tariff; 100 customers in the Level 2 Charging Tariff; and 1,000 customers in the Residential Charging Tariff.¹⁰ The Company states further that the Residential Charging Tariff and the Level 2 Charging Tariff include incentives for the deployment of charging infrastructure to low-income customers and in low-income communities and communities of color.¹¹

Specifically, the Residential Charging Tariff and the Level 2 Charging Tariff include carveouts to provide charging infrastructure to low-income customers, low-income communities and communities of color at no cost, up to 10 percent of the total proposed participation limits.¹² The Application also states that the Fleet Charging Tariff and the Level 2 Charging Tariff both cover a portion of the costs of EV supply infrastructure.¹³ The Company estimates the total program cost for these incentives and carveouts is approximately \$18.7 million.¹⁴

The Application requests approval of two Pricing Tariffs, one to establish a rate for public fast charging ("DCFC Pricing Tariff") and one to establish a rate for Level 2 charging ("Level 2 Pricing Tariff").¹⁵ The Company states that the rates for the DCFC Pricing Tariff and the Level 2 Pricing Tariff are based on the estimated costs for installation, operation, and maintenance of the charging station, plus the rate for services under the Company's Rate

¹⁰ Direct Testimony of Nathan J. Frost ("Frost Direct"), Schedule 1 at 2; Schedule 2 at 2; and Schedule 3 at 1.

¹¹ Application at 5-6.

¹² *Id.* at 6; *see also* Frost Direct, Schedule 2 at 2 and Schedule 3 at 1.

¹³ Application at 6.

¹⁴ *Id.* The Application states that if the Commission considers these incentives to be promotional allowances as defined in the Rules Governing Utility Promotional Allowances ("Promotional Allowance Rules"), 20 VAC 5-303-10 *et seq.*, the Company requests a waiver of the Promotional Allowance Rules because the Charging Tariffs are just and reasonable, align with the policies of the Commonwealth, and are in the public interest. *Id.* at 6-7.

¹⁵ *Id.* at 7.

Schedule GS-2.¹⁶ Additionally, the Company asserts that rates are comparable to third-party rates in Virginia.¹⁷ The proposed rate for the DCFC Pricing Tariff is \$0.41 per kilowatt-hour and the proposed rate for the Level 2 Pricing Tariff is \$0.28 per kilowatt-hour.¹⁸

NOW THE COMMISSION, upon consideration of this matter, is of the opinion and finds that this matter should be docketed; the Company should provide public notice of its Application; interested persons should have an opportunity to file comments on the Application, file a notice of participation as a respondent, and request that a hearing be convened; the Commission's Staff ("Staff") should be directed to investigate the Application and present its findings and recommendations in a report; and a Hearing Examiner should be assigned to rule on any discovery matters that arise during the course of this proceeding.

The Commission takes judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. The Commission has taken certain actions, and may take additional actions going forward, that could impact the procedures in this proceeding.¹⁹ Consistent with these actions, in regard to the terms of the procedural framework established

¹⁶ *Id.*

¹⁷ *Id.*

¹⁸ Frost Direct, Schedule 4 at 1 and Schedule 5 at 1.

¹⁹ See, e.g., *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic Service of Commission Orders*, Case No. CLK-2020-00004, Doc. Con. Cen. No. 200330035, Order Concerning Electronic Service of Commission Orders (Mar. 19, 2020), *extended by* Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel., State Corporation Commission, Ex Parte: Revised Operating Procedures During COVID-19 Emergency*, Case No. CLK-2020-00005, Doc. Con. Cen. No. 200330042, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (Mar. 19, 2020) ("Revised Operating Procedures Order"), *extended by* Doc. Con. Cen. No. 200520105, Order Regarding the State Corporation Commission's Revised Operating Procedures During COVID-19 Emergency (May 11, 2020); *Commonwealth of Virginia, ex rel. State Corporation Commission, Ex Parte: Electronic service among parties during COVID-19 emergency*, Case No. CLK-2020-00007, Doc. Con. Cen. No. 200410009, Order Requiring Electronic Service (Apr. 1, 2020).

(4) As provided by Code § 12.1-31 and Rule 5 VAC 5-20-120, *Procedure before hearing examiners*, of the Rules of Practice, a Hearing Examiner is appointed to rule on any discovery matters that arise during the course of this proceeding.

(5) An electronic copy of the Company's Application may be obtained by submitting a written request to counsel for the Company, Sarah R. Bennett, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219, or sbennett@mcguirewoods.com. Interested persons also may download unofficial copies of the Application, and the public version of other documents filed in this case, from the Commission's website: scc.virginia.gov/pages/Case-Information.

(6) On or before September 22, 2021, the Company shall cause the following notice to be published as display advertising (not classified) on one (1) occasion in newspapers of general circulation throughout the Company's Virginia service territory:

NOTICE TO THE PUBLIC OF AN APPLICATION BY
VIRGINIA ELECTRIC AND POWER COMPANY
FOR APPROVAL OF FIVE VOLUNTARY TARIFFS TO
SUPPORT TRANSPORTATION ELECTRIFICATION,
CASE NO. PUR-2021-00151

On July 23, 2021, Virginia Electric and Power Company ("Dominion" or "Company") filed an application ("Application") with the State Corporation Commission ("Commission") for approval, pursuant to Code § 56-234 A and Rule 80 A of the Commission's Rules of Practice and Procedure ("Rules of Practice"), of five new voluntary companion tariffs to support transportation electrification in Virginia. Specifically, the Company seeks approval of three tariffs to provide mechanisms for customers to work with the Company to install electric vehicle ("EV") charging infrastructure at customers' premises ("Charging Tariffs") and two tariffs to establish rates for the Company to charge the public for EV charging at Company-owned and operated public charging stations ("Pricing Tariffs").

In support of its Application, Dominion states that EV adoption continues to increase across the country and in Virginia,

largely due to advancements in battery technology, additional EV model availability, declining costs, policy developments, and benefits provided to customers and the environment. The Application states Dominion customers have sought guidance and advisory support from the Company for charging infrastructure and installation, including requests for guidance on how customers can electrify their fleets. The Company asserts that the Charging Tariffs will allow the Company to provide customers with near-term turnkey solutions. Dominion further states that it does not currently own or operate any charging stations available to the public, but the Company intends to provide this service in the future to fill any identified gaps in charging availability, such as on secondary highways or in disadvantaged communities. The Company asserts the Pricing Tariffs will allow the Company to provide such service.

The Application states that the three Charging Tariffs include one to support the Company's non-residential customers who wish to electrify their fleets ("Fleet Charging Tariff"); one to support the Company's non-residential customers who wish to provide Level 2 charging at their premises ("Level 2 Charging Tariff"), such as workplaces, multifamily communities, or retail establishments; and one to support the Company's residential customers who wish to have Level 2 charging installed in their homes ("Residential Charging Tariff"). The Company proposes participation limits for each Charging Tariff to ensure that availability is limited and will complement investment being made by the private sector. Specifically, the Company proposes the following participation limits on the Charging Tariffs: 165 customers in the Fleet Charging Tariff; 100 customers in the Level 2 Charging Tariff; and 1,000 customers in the Residential Charging Tariff. The Company states further that the Residential Charging Tariff and the Level 2 Charging Tariff include incentives for the deployment of charging infrastructure to low-income customers and in low-income communities and communities of color. Specifically, the Residential Charging Tariff and the Level 2 Charging Tariff include carveouts to provide charging infrastructure to low-income customers, low-income communities and communities of color at no cost, up to 10 percent of the total proposed participation limits. The Application also states that the Fleet Charging Tariff and the Level 2 Charging Tariff both cover a portion of the costs of EV supply infrastructure. The Company

estimates the total program cost for these incentives and carveouts is approximately \$18.7 million.

The Application requests approval of two Pricing Tariffs, one to establish a rate for public fast charging ("DCFC Pricing Tariff") and one to establish a rate for Level 2 charging ("Level 2 Pricing Tariff"). The Company states that the rates for the DCFC Pricing Tariff and the Level 2 Pricing Tariff are based on the estimated costs for installation, operation, and maintenance of the charging station, plus the rate for services under the Company's Rate Schedule GS-2. Additionally, the Company asserts that rates are comparable to third-party rates in Virginia. The proposed rate for the DCFC Pricing Tariff is \$0.41 per kilowatt-hour and the proposed rate for the Level 2 Pricing Tariff is \$0.28 per kilowatt-hour.

The Commission has taken judicial notice of the ongoing public health issues related to the spread of the coronavirus, or COVID-19. In accordance therewith, all pleadings, briefs, or other documents required to be served in this matter shall be submitted electronically to the extent authorized by 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice. Confidential and Extraordinarily Sensitive Information shall not be submitted electronically and should comply with 5 VAC 5-20-170, *Confidential information*, of the Rules of Practice. Any person seeking to hand deliver and physically file or submit any pleading or other document shall contact the Clerk's Office Document Control Center at (804) 371-9838 to arrange the delivery.

Pursuant to 5 VAC 5-20-140, *Filing and service*, of the Rules of Practice, the Commission has directed that service on parties and the Commission's Staff in this matter shall be accomplished by electronic means. Please refer to the Commission's Order for Notice and Comment for further instructions concerning Confidential or Extraordinarily Sensitive Information.

Electronic copies of the Application may be obtained by submitting a written request to counsel for the Company, Sarah R. Bennett, Esquire, McGuireWoods LLP, Gateway Plaza, 800 East Canal Street, Richmond, Virginia 23219, or sbennett@mcguirewoods.com.

On or before November 4, 2021, any interested person may file comments on the Application electronically by following the instructions on the Commission's website:

scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to file comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2021-00151.

On or before November 4, 2021, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation with the Clerk of the Commission at: scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. Such notice of participation shall include the email addresses of such parties or their counsel, if available. A copy of the notice of participation as a respondent also must be sent to counsel for the Company. Pursuant to 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2021-00151.

On or before November 4, 2021, any interested person may file a written request for a hearing with the Clerk of the Commission at scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a request for hearing electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed above. Such request for hearing shall include the email addresses of such parties or their counsel, if available. A copy of the notice of participation as a respondent also must be sent to counsel for the Company. Requests for a hearing shall include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this matter. All requests for a hearing shall refer to Case No. PUR-2021-00151.

Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified by the Commission's Order for Notice and Comment, all filings shall

comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice.

The Company's Application, the Commission's Rules of Practice, and the Commission's Order for Notice and Comment may be viewed at: scc.virginia.gov/pages/Case-Information.

VIRGINIA ELECTRIC AND POWER COMPANY

(7) On or before September 22, 2021, the Company shall serve a copy of this Order for Notice and Comment on the following local officials, to the extent the position exists, in each county, city, and town in which the Company provides service in the Commonwealth of Virginia: the chairman of the board of supervisors of each county; the mayor or manager (or equivalent official) of every city and town; and the county, city, or town attorney. Service shall be made electronically where possible; if electronic service is not possible, service shall be made by either personal delivery or first class mail to the customary place of business or residence of the person served.

(8) On or before October 22, 2021, the Company shall file proof of the notice and service required by Ordering Paragraphs (6) and (7), including the name, title, address, and electronic mail address (if applicable) of each official served, with the Clerk of the State Corporation Commission by filing electronically at scc.virginia.gov/clk/efiling/.

(9) On or before November 4, 2021, any interested person may file written comments on the Application by following the instructions found on the Commission's website: scc.virginia.gov/casecomments/Submit-Public-Comments. Those unable, as a practical matter, to file comments electronically may file such comments by U.S. mail to the Clerk of the State Corporation Commission, c/o Document Control Center, P.O. Box 2118, Richmond, Virginia 23218-2118. All comments shall refer to Case No. PUR-2021-00151.

(10) On or before November 4, 2021, any person or entity wishing to participate as a respondent in this proceeding may do so by filing a notice of participation at scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a notice of participation electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed in Ordering Paragraph (9). Such notice of participation shall include the email addresses of such parties or their counsel, if available. The respondent simultaneously shall serve a copy of the notice of participation on counsel to the Company. Pursuant to Rule 5 VAC 5-20-80 B, *Participation as a respondent*, of the Rules of Practice, any notice of participation shall set forth: (i) a precise statement of the interest of the respondent; (ii) a statement of the specific action sought to the extent then known; and (iii) the factual and legal basis for the action. Any organization, corporation, or government body participating as a respondent must be represented by counsel as required by 5 VAC 5-20-30, *Counsel*, of the Rules of Practice. All filings shall refer to Case No. PUR-2021-00151.

(11) Within three (3) business days of receipt of a notice of participation as a respondent, the Company shall serve a copy of the Application on the respondent.

(12) On or before November 4, 2021, any interested person may file a written request for a hearing with the Clerk of the Commission at scc.virginia.gov/clk/efiling. Those unable, as a practical matter, to file a request for hearing electronically may file such notice by U.S. mail to the Clerk of the Commission at the address listed in Ordering Paragraph (9). Requests for hearing must include: (i) a precise statement of the filing party's interest in the proceeding; (ii) a statement of the specific action sought to the extent then known; (iii) a statement of the legal basis for such action; and (iv) a precise statement why a hearing should be conducted in this

matter. The interested person simultaneously shall serve a copy of the hearing request on counsel to the Company. All requests for a hearing shall refer to Case No. PUR-2021-00151.

(13) The Staff shall investigate the Application. On or before December 1, 2021, the Staff shall file with the Clerk of the Commission a report containing its findings and recommendations and simultaneously shall serve a copy of the same on counsel to the Company and all respondents.

(14) On or before December 15, 2021, Dominion may file with the Clerk of the Commission any comments on the Staff's report, comments from interested persons, and requests for hearing that were filed with the Commission. The Company simultaneously shall serve a copy of its comments on the Staff and all respondents.

(15) Any documents filed in paper form with the Office of the Clerk of the Commission in this docket may use both sides of the paper. In all other respects, except as modified herein, all filings shall comply fully with the requirements of 5 VAC 5-20-150, *Copies and format*, of the Rules of Practice.

(16) The Commission's Rule of Practice 5 VAC 5-20-260, *Interrogatories to parties or requests for production of documents and things*, shall be modified for this proceeding as follows: responses and objections to written interrogatories and requests for production of documents shall be served within seven (7) calendar days after receipt of the same. In addition to the service requirements of 5 VAC 5-20-260 of the Rules of Practice, on the day that copies are filed with the Clerk of the Commission, a copy of the interrogatory or request for production shall be served electronically on the party to whom the interrogatory or request for production is directed or the assigned Staff attorney, if the interrogatory or request for production is directed to

the Staff.²¹ Except as modified herein, discovery shall be in accordance with Part IV of the Rules of Practice, 5 VAC 5-20-240 *et seq.*

(17) This matter is continued.

A COPY hereof shall be sent electronically by the Clerk of the Commission to all persons on the official Service List in this matter. The Service List is available from the Clerk of the Commission.

²¹ The assigned Staff attorney is identified on the Commission's website, scc.virginia.gov/pages/Case-Information, by clicking "Docket Search," then clicking "Search by Case Information," and entering the case number, PUR-2021-00151 in the appropriate box.